

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA,)	
)	
v.)	Case No. 21-348 (GJH)
)	
BRIAN McQUADE,)	
)	
Defendant.)	

MOTION TO WITHDRAW

David Schertler and Noah Cherry (“Counsel”), hereby move this Court for an order granting them permission to withdraw as counsel for defendant, Brian McQuade. The reasons supporting this motion are set forth below.

ARGUMENT

On September 2, 2021, an indictment was returned charging Brian McQuade with two counts of wire fraud. Mr. McQuade was arrested and arraigned before this Court on September 20, 2021. Mr. McQuade was originally represented in this matter by Kristina Leslie of the Federal Public Defender on appointment from Magistrate Judge Charles Day. Counsel were later retained to represent Mr. McQuade in this matter in October 2021.

Counsel move the Court for permission to withdraw as Mr. McQuade’s counsel. Counsel believe that there are irreconcilable conflicts in their continued representation of Mr. McQuade as well as an irreparable breakdown in communications between Mr. McQuade and Counsel. Moreover, under Rule 1.16(b)(4) of the Maryland Rules of Professional Conduct, Counsel believe that the client is insisting on a course of action with which Counsel have a fundamental disagreement.

Further, Mr. McQuade's son has repeatedly accused Counsel of committing ethical violations and making false representations in connection with Counsel's handling of the case. As recently as December 2022, Mr. McQuade's son sent Counsel an email indicating, among other things, that the plea agreement Counsel negotiated with Government counsel was "worthless" and that Counsel "are clearly not looking out for my dad's best interests anymore and the ethical violations that will likely need to be addressed are incredibly concerning." Under these circumstances, Counsel can no longer effectively represent Mr. McQuade.

Mr. McQuade can either retain new counsel or seek leave of the Court to appoint counsel to represent him. Again, prior to Counsel being retained, Mr. McQuade was represented by an attorney with the Maryland Federal Public Defenders' Office.

As the Court knows, there is no pending trial date or even motions date in this matter and thus Mr. McQuade will not be prejudiced in any way by the change in counsel. Counsel will, of course, and as required by Rule 1.16(d), cooperate fully in the transfer of this case to a new attorney.

Counsel have notified Mr. McQuade of this request and asked Mr. McQuade multiple times whether he will consent to Counsel's withdrawal. Mr. McQuade has not responded, further evidencing the breakdown in communications and the deterioration of the attorney-client relationship between Counsel and Mr. McQuade.

Counsel have also notified government counsel of this request earlier today and government counsel has not yet indicated their position on the motion.

Nonetheless, for the reasons set forth above, Counsel seek the Court's permission to withdraw from this case.

CONCLUSION

For the reasons set forth above, Counsel for Mr. McQuade respectfully ask this Court to grant Counsel permission to withdraw from this matter.

Dated: January 27, 2023

Respectfully submitted,

/s/ David Schertler

David Schertler

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CERTIFICATE OF SERVICE

I hereby certified that, on this 27th day of January, 2023, a copy of the foregoing Motion to Withdraw was served via ECF on all related parties.

/s/ Noah Cherry